IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 24123 of 2004

Between:

K. Vijaya Pratap Reddy, S/o. K. Nagireddy,
U.P. School, Venkatayapally, Devarakonda Mandal, Mahabobnagar District

..... PETITIONER

AND

The Secretary, A.P.P.S.C., Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a order or direction more in the nature of Writ or Certiorari calling for the records pertaining to impugned order dated 9-11-2004 in MA.No.3182 of 2004 in O.A.SR.No.12227 of 2004 on the file of the Hon'ble A.P. Administrative Tribunal and quash the same and consequently declare the impugned Memo.No.1735/RS 17/2001 dated 17.1.2002 issued by the respondent as illegal, null and void and further declare that the petitioner is entitled for selection and appointment to the post of Junior Lecturer (Telugu) under BC(D) community in Zone-VI by holding the action of the respondent in selecting the less merit candidates or ineligible candidate to the post meant for BC (D) community in Zone-VI and further not following the provisions envisaged in the presidential order during the selection process pursuant to Adv.No.4/2001 is illegal, arbitrary discriminatory and subersive of Art.14 and 16 of the Constitution of India.

Counsel for the Petitioner: MR.CH.JAGANNADHA RAO

Counsel for the Respondent: MR.M.VIJAY KUMAR

The Court made the following:

ORAL ORDER:- (Per GB,J.)

The Writ Petition is filed challenging the order dated 9.11.2004 passed by the Andhra Pradesh Administrative Tribunal in M.A.No.3182 of 2004 in O.A.SR.No.12227 of 2004 to condone the delay of 01 year 08 months and 19 days in filing the O.A.

2. The Tribunal dismissed the application for condonation of the delay by observing as follows:

> "This OASR ought to have been filed on 16.1.2003 i.e., within a period of one year from the date of impugned order. the delay in filing the OASR reckoned was 01 year 08 months and 19 days. The reason given for condonation of the delay is that the Applicant submitted further representation in March, 2002 to consider his case again for selection to the post of Junior Lecturer in Telugu in Zone-VI by strictly following the provisions of Presidential order. The applicant also says that he approached the respondent personally. As the Public Service Commission has not furnished the particulars of the last selected candidate, this OASR was filed belatedly. I do not think that this is a reasonable ground to condone the delay in filing the OASR. If the applicant is unable to get the particulars of the last selected candidate from the Public Service Commission, it cannot be a ground for not questioning the impugned order in time and stalling his claim. Thus, the delay is not condoned. M.A. is dismissed. OASR is rejected."

3. Assailing the said order, the present Writ Petition has been filed.

4. Learned counsel for the petitioner submits that the petitioner has got a good case on merits and he should not be denied the opportunity of employment and therefore, the Tribunal ought to have condoned the delay in filing the O.A.

5. We are afraid we cannot accept the contention raised by the learned counsel.

6. The Tribunal having exercised its discretion in refusing to condone the delay, it is not appropriate for this Court to interfere with such exercise of such discretion unless it is patently illegal or contrary to law.

7. Under those circumstances, we do not find that the order of the Tribunal is sustainable for interference by this Court and therefore, the Writ Petition is accordingly, dismissed. No costs.

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G. BIKSHAPATHY, J.

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P.S. NARAYANA, J.

Date: 23.12.2004

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To

1. The Secretary, A.P.P.S.C., Hyderabad.

2. 2 CD copies.

3. The Registrar, A.P. Administrative Tribunal, Hyderabad.